

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David H. Beach

Serial No: 09/699580

Filed: October 30, 2000

For: Novel Human CdC25 Genes, Encoded  
Products and Uses Thereof

Art Unit: 1633

Attorney Docket No. GPCI-P10-019

Examiner: Not yet assigned

## CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, Fax No. 703-308-6916, on the date indicated below:

October 29, 2002

Date of Signature and Transmission

*[Signature]*  
Signature of Person Transmitting Correspondence  
Brent LaBarge

Typed or Printed Name of Person transmitting Correspondence

## PETITION TO WITHDRAW

### HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181

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PETITIONS OFFICE

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Notice of Abandonment mailed by the Patent Office in this case on September 30, 2002, we offer the following evidence of a complete, timely-filed response by the Applicants to the Notice to Comply with Sequence Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures filed September 24, 2001, and receipt of same in the United States Patent and Trademark Office (USPTO) on September 26, 2001. In view of the foregoing, Applicants submit that the Notice of Abandonment was issued in error, and a withdrawal of the holding of abandonment is hereby requested. The submitted evidence includes:

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1. A copy of the Transferral of Sequence Listing in Computer Readable Form submitted by first class mail on September 24, 2001 in response to the Notice to Comply with Sequence Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, with executed Certificate of Mailing dated September 24, 2001
2. A copy of a return receipt post card date-stamped by the U.S. Patent and Trademark Office on September 26, 2001 evidencing receipt of the Response.

Under MPEP 503, a postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. Applicants submit that the correspondence sent September 24, 2001 was properly itemized and identified on the postcard receipt, and in light thereof respectfully requests the holding of abandonment be withdrawn.

No petition fee is due for a petition under 37 CFR § 1.181. However, the Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-1945, under Order No. GPCI-P10-019. Please direct any questions arising from this submission to the undersigned at (617) 951-7615.

Respectfully Submitted,



David P. Halstead  
Reg. No: 44,735

Date: October 29, 2002

**Customer No: 28120**  
Docketing Specialist  
Ropes & Gray  
One International Place  
Boston, MA 02110  
Phone: 617-951-7615  
Fax: 617-951-7050

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